

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-7 are pending in the application. The Title is amended to address the objection set forth in the outstanding Official Action. No claim amendments are presented, thus, no new matter is added.

This amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment complies with a requirement of form set forth in the previous Official Action by amending the Title to be more descriptive of the claimed invention. Thus, no new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

In the outstanding Official Action, the Title was objected to; Claims 1-7 were rejected under 35 U.S.C. § 112, first paragraph; and Claims 1-7 were rejected under 35 U.S.C. § 102(a) as anticipated by Stetz, "Cell Phone Handbook."

In response to the objection to the Title, the Title is amended herein to be more descriptive of the invention to which the claims are directed. Accordingly, Applicant respectfully requests that the objection to the Title be withdrawn.

Claims 1-7 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Official Action states that "the term 'audio quiz question' is not defined in the specification. The Examiner could not find

where in the specification it is disclosed that the quiz is an audio quiz.”<sup>1</sup> Applicants respectfully traverse this rejection.

As noted in the response filed August 8, 2006, support for the “audio quiz question” feature can be found at least at Fig. 25 and pp. 88-89 of the specification. As described in the cited portion of the specification, the broadcasting apparatus (5) may be a radio broadcast device used to broadcast a radio signal, which is a signal listened to by a listener of the broadcast (e.g., by way of radio receiver 10). P. 88, lines 17-21 of the specification expressly discloses that “as shown in Fig. 25, the broadcasting apparatus 5 outputs *an audio signal of question 1 or question 2 in a quiz or a questionnaire* to respectively a period between times t0 and t2 or a period between times t4 and t6 during a program such as a disc jockey and music” (emphasis added). As disclosed at p. 89, this question is then listened to by a user of the receiver (10), who is then able to enter an answer to the question via the receiver (10). Thus, the audio quiz question is a question that is broadcast by the broadcasting apparatus (5), so that a user of the receiver (10) is able to listen to the audio quiz question and enter a response thereto.

Thus, the specification clearly defines and disclosed the term “audio quiz question” in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Accordingly, Applicants respectfully requests that the rejection of Claims 1-7 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claims 1-7 were rejected under 35 U.S.C. § 102(a) as anticipated by Stetz. Applicant respectfully submits that amended independent Claims 1, 6 and 7 state novel features clearly not taught or rendered obvious by the applied reference. In view of the remarks presented

---

<sup>1</sup> Outstanding Official Action, p. 2.

above, Applicant respectfully requests that the “audio quiz question” feature be given patentable weight and be addressed in any subsequent rejection.

Amended Claim 1 relates to an information processing apparatus comprising an input configured to receive, from a radio broadcast station, question identification information identifying *an audio quiz question* presented by the radio broadcast station and first identification information identifying said radio broadcast station. The input also receives, from a radio signal receiver, second identification information identifying the radio signal receiver. The information processing apparatus then forms a judgment on validity of the question identification information, the radio broadcast station identification information and the radio signal receiver identification information. Customer identification information identifying a customer is then assigned to the radio signal receiver identification information, and the customer identification information is output as information for receiving *the audio quiz question* identified by the question identification information.

As previously noted, amended Claim 1 relates to a device for generating customer identification information for a user, allowing the user to anonymously respond to an audio quiz question (e.g., a contest or trivia question) presented by a radio broadcast station. The audio quiz question is sent by a merchant over a radio broadcast, and responding to such an offer/question typically involves a customer submitting personal information (e.g. personal profile) to a server or another device to answer a question presented (e.g., for age verification purposes, etc.). The present inventor, therefore, identified a benefit in automating the transmission of profile information while maintaining anonymity to the responding customer.

Turning to the applied reference Stetz provides a high-level functional description of a cellular telephone and corresponding network. In addressing the “question” feature recited in previously presented Claims 1, 6 and 7, the outstanding Official Action cites p. 30 of Stetz and asserts that the phone number transmitted from the mobile device to the base station is

equivalent to a “question.” In providing support for this assertion the Official Action cites a dictionary definition in defining a question as “an expression of inquiry that invites or calls for a reply.”

As noted above, however, in amended independent Claims 1, 6 and 7, the “question” presented by the radio broadcast station in the present invention is an *audio quiz question*, which is meant to test the knowledge of a listener of the radio broadcast. As discussed above, the broadcasting apparatus outputs an *audio signal* of a question.

The “Response to Arguments” portion of the Official Action states that “Applicant further argues that, while a phone number is an audio signal...” However, the previous response further states that “*instead* the phone number of Stetz is a data signal...” (emphasis added). Therefore, the previously presented arguments were clearly intended to state that the phone number transmitted in Stetz, is not an audio signal, and does not represent an *audio quiz question*. Instead the phone number of Stetz is a data signal intended to facilitate registration of the mobile device with an intended base station. Thus, Applicant asserts that that the phone number transmitted in Stetz, is not an audio signal, and does not represent an *audio quiz question*, as recited in the pending claims.

Further, a *quiz question*, as defined in the present specification, is a question presented in a radio broadcast, which is intended to be answered by a listener of the radio broadcast. The phone number transmitted by Stetz, my elicit a response from the base station, but does not “quiz” the base station, as recited in the pending independent claims.

Accordingly, Stetz fails to teach or suggest an input configured to receive question identification information identifying *an audio quiz question presented by the radio broadcast station*, as recited in amended independent Claims 1, 6 and 7.

Accordingly, Applicant respectfully requests that the rejection of independent Claims 1, 6 and 7 under 35 U.S.C. § 102(a) be withdrawn.

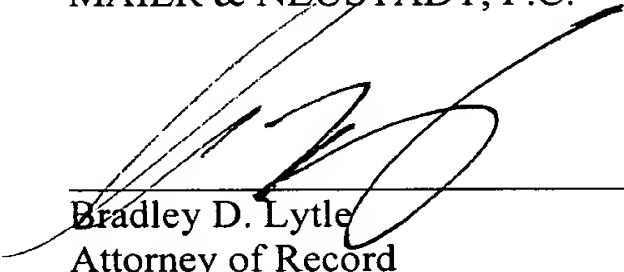
Application No. 09/811,516

Reply to Office Action of October 27, 2006

Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-7 is definite and patentably distinguishing over the applied reference. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Andrew T. Harry  
Registration No. 56,959

I:\ATTY\ATH\PROSECUTION\20'S\205018-US\205018US-AMENDMENT DUE 1.27.07.DOC